

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NORMAN V. WHITESIDE,

Plaintiff,

v.

**Case No. 2:17-cv-1036
Judge Michael H. Watson
Magistrate Judge Elizabeth P. Deavers**

TRAYCE THALHEIMER, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff filed his Amended Complaint in this action on January 16, 2018. (ECF Nos. 6, 8.) On April 17, 2018, the Court ordered Plaintiff show cause why the action should not be dismissed for failure to effect service of process as required by Federal Rule of Civil Procedure 4(m) and why an extension of time to effect service should be allowed. (ECF No. 11.) Upon Plaintiff's response and request for an extension of time (ECF No. 12), the Court granted a forty-five-day extension of time until June 21, 2018, in which to effect service of process. (ECF No. 13.)

When Plaintiff did not complete service of process as to Defendants Michael Sheets, Kenny Sexton, Karla Williams, and Michael Jackson by June 21, 2018, the Court issued a Show Cause Order on June 29, 2018, ordering Plaintiff to show cause within fourteen (14) days why the claims against these four Defendants should not be dismissed and why an extension of time to effect service of process should be allowed. (ECF No. 20.) To date, Plaintiff has not responded to the Court's Show Cause Order. It is therefore **RECOMMENDED** that the Court

dismiss the claims against Defendants Michael Sheets, Kenny Sexton, Karla Williams, and Michael Jackson without prejudice pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . .”) (citation omitted)).

IT IS SO ORDERED.

Date: July 26, 2018

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE